

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4562 of 2017**

- Smt. Tarani Lahre W/o Shri Sahdev Lahre, Aged About 20 Years
Occupation - Labour, R/o Village Pachari, Thana Patewa, Tahsil
Civil & Revenue District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police
Station - Patewa, Civil & Revenue District- Mahasamund,
Chhattisgarh.

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate
For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.79/2017 registered in Police Station Patewa, Distt. Mahadamund (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that after investigation police has filed charge sheet which is pending before Chief Judicial Magistrate, Mahasamund as Criminal Case No. S-1585/2017. Learned counsel for the applicant submits that the applicant is the first offender, she will not commit any offence in future, and as per allegation, from the possession of the applicant,

57 bulk liters of country made liquor has been seized. As the trial may take sometime, she may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of the huge quantity of liquor so seized, but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. As the applicant is in custody for one month and nineteen days, charge sheet has been filed, the applicant is a lady of about 20 years, she is the first offender, the trial may take sometimes for its conclusion, though the quantity of liquor so seized is on higher side, but considering the entire facts and circumstances of the case, I am inclined to grant one opportunity to the applicant, so that she will not commit any offence in future and shall remain peacefully in the society.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- with two separate solvent sureties of Rs.50,000/- each to the satisfaction of Chief Judicial Magistrate, Mahasamund for her appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of

bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

10. It is further directed that till the conclusion of the trial, present applicant shall mark her appearance before the Station House Officer/IO, Police Station Police Station Patewa, Distt. Mahasamund **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Patewa, Distt. Mahasamund as directed, the concerned police may inform the trial Court for the act and if her non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE